

IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF TENNESSEE,  
KNOXVILLE DIVISION

FAMILY INNS OF AMERICA, INC. )  
                                  )  
Plaintiff,                    )  
                                  )  
v.                             )                                   No. 3:07-CV-88  
                                  )  
LEXINGTON INSURANCE        )  
COMPANY,                    )  
                                  )  
Defendant.                    )

**STIPULATION OF DISMISSAL WITH PREJUDICE**

Pursuant to Federal Rule of Civil Procedure 41(a)(1), and by stipulation and agreement between the Parties, Family Inns of America, Inc. dismisses the above-captioned cause with prejudice, each Party to bear its own costs and fees associated with the litigation.

Respectfully submitted,

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### CERTIFICATE OF SERVICE

I hereby certify that on the 9<sup>th</sup> day of December 2008, a copy of the foregoing **Stipulation of Dismissal with Prejudice** was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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